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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 XIAO W. HUANG,

11 Petitioner,

12 v.

13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Respondent.
16

Case No. CV 11-5483 PA (JCG)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate
18 Judge's Report and Recommendation, and the remaining record. No objections to the
19 Report and Recommendation have been filed.

20 Accordingly, IT IS ORDERED THAT:

- 21 1. The Report and Recommendation is approved and accepted;
22 2. Judgment be entered denying the Petition and dismissing this action with
23 prejudice; and
24 3. The Clerk serve copies of this Order on the parties.

25 Additionally, for the reasons stated in the Report and Recommendation, the
26 Court finds that Petitioner has not made a substantial showing of the denial of a
27 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
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1 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
2 appealability.

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4 DATED: October 11, 2013

A handwritten signature in dark ink, appearing to read "Percy Anderson", is written above a horizontal line.

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7 HON. PERCY ANDERSON
8 UNITED STATES DISTRICT JUDGE
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